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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/487,923	01/19/00	SWARTZ	J 467XXB
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023704
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LEGAL DEPARTMENT
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MMC1/0103

EXAMINER

YVEN, J

ART UNIT

PAPER NUMBER

2876

DATE MAILED:

01/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/487,923

Applicant(s)

SWARTZ ET AL.

Examiner

James Yven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10 and 39-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1
- 17) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

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DETAILED ACTION

1. Claims 10 and 39-45 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 10 and 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsen [5,250,789, reference supplied by the applicants] in views of Shah et al. [5,428,546].

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Re claims 10 and 41: Johnsen teaches a vehicle cradle for housing a portable terminal in a vehicle used to deliver items to a destination address [Fig. 1, area above 12], said cradle comprising:

a housing for receiving the portable terminal in a fixed location [Fig. 1, area above 12];

a power management system for delivering power to the portable terminal when received in the fixed position [Fig. 2, 36; Fig. 3, 44; col. 7, lines 35+];

a communication port for communicating data from the vehicle cradle to the portable terminal [Fig. 2, 34; Fig. 3, 34; col. 7, lines 41+];

Johnsen fails to teach a GPS system locator coupled to said communication port for generating a location signal and transmitting said signal to the portable terminal, whereby the location of the vehicle is transmitted to the portable terminal by the vehicle cradle.

Shah teaches an apparatus for tracking vehicle location using GPS system [Fig. 7, 702]; col. 4, lines 67+].

In view of Shah's disclosures it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the notoriously old and well known GPS system into the teachings of Johnsen due to the fact that the use of such device would make the system more versatile and allows the system to track the location of the vehicle and thus allows the system to know what kind of sales merchandise may be in the vicinity and alerts the user

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to avail to the specials that may be on sale. Accordingly, such modification would have been an obvious extension as taught by Johnsen, and therefore an obvious expedient.

Re claims 40 and 42: Johnsen teaches a vehicle cradle wherein the cradle further comprises: an antenna transmitter for transmitting a set of transmission signals received from the portable terminal over a communication port [Fig. 3, 40, 48; col. 7, lines 41+].

Johnsen fails to specifically teach transmitting over a wireless wide area communication network.

However Johnsen has fairly disclosed communication via the antenna with the store's central computer [col. 7, lines 43+].

In view of Johnsen's disclosures it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the notoriously old and well known wide area network into the teaching of Johnsen due to the fact that the use of such device would make the system more versatile by allowing a faster link and access with other peripheral equipment attached to the central computer. Accordingly, such modification would have been an obvious extension as taught by Johnsen, and therefore an obvious expedient.

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Re claim 43: Johnsen teaches a vehicle cradle wherein the communication port is a wireless communication transceiver [Fig. 3, 40, 48; col. 7, lines 55+].

Re claim 39: Johnsen teaches a system for fulfilling orders placed from a remote computer, said system comprising:

a portable terminal having a data communication network connection for retrieving the order from the central order processor [Fig. 3, 40, 42, 48]; and

a delivery vehicle for delivering goods to a customer location [Fig. 1, 12], said delivery vehicle including a portable data collection terminal [Fig. 1, 10, 14, 16, 18, 20] and a vehicle cradle for said portable data collection terminal [Fig. 1, area above 12].

Johnsen fails to specifically teach a communication network for communicating an order from the remote computer to a central order processor.

However Johnsen has fairly disclosed communication via the antenna with the store's central computer [col. 7, lines 43+].

In view of Johnsen's disclosures it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the notoriously old and well known communication network into the teaching of Johnsen due to the fact that the use of such device would make the system more versatile by allowing a faster link and access with other peripheral equipment attached to the central computer. Accordingly, such modification would have

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been an obvious extension as taught by Johnsen, and therefore an obvious expedient.

Johnsen fails to specifically teach an order including a customer destination location for delivering completed order.

However Johnsen has fairly disclosed a customer identification system [Fig. 7, 52; col. 9, lines 7+].

In view of Johnsen's disclosures it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the notoriously old and well known customer destination into the teaching of Johnsen due to the fact that the use of such device would make the system more versatile by allowing a more efficient delivery of goods gathered in the vehicle. Accordingly, such modification would have been an obvious extension as taught by Johnsen, and therefore an obvious expedient.

Re claim 45: Johnsen teaches a vehicle cradle for receiving a portable terminal in a vehicle [Fig. 1, area above 12], said cradle comprising:

a portable terminal receiving housing for receiving the portable terminal and holding said terminal in a fixed position [Fig. 1, area above 12];

a communication port for receiving data from the portable terminal [Fig. 2, 34; col. 7, lines 41+]; and

a signal transmitter for transmitting the data received from the portable terminal [Fig. 42, 48; col. 7, lines 55+].

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Johnsen fails to specifically teach transmitting over a wireless wide area communication network. See rejection of claim 40.

Johnsen fails to specifically teach a battery charger for charging the battery of a portable terminal;

However Johnsen has fairly disclosed a rechargeable power supply [Fig. 3, 44; col. 7, lines 35+].

In view of Johnsen's disclosures it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the notoriously old and well known battery charger into the teaching of Johnsen due to the fact that the use of such device would make the system more versatile by allowing a more permanent source of power and thus lowering maintenance cost by not having to change batteries as often. Accordingly, such modification would have been an obvious extension as taught by Johnsen, and therefore an obvious expedient.

4. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsen [5,250,789, reference supplied by the applicants] as modified by Shah et al. [5,428,546] and further in view of O'Hagan et al. [5,821,513]. The teachings of Johnsen as modified by Shah have been discussed above.

Johnsen as modified by Shah fails to teach a vehicle cradle wherein the wireless communication port is an infra-red communication transceiver.

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O'Hagan teaches a shopping cart mounted data collection device with an infra-red communication transceiver [Fig. 5, 164; col. 4, lines 40+; col. 4, 63+].

In view of O'Hagan's disclosures it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the notoriously old and well known infra red device into the teaching of Johnsen as modified by Shah due to the fact that the use of such device would make the system more versatile by allowing a communication link that is free from RF interference and thus makes the link more reliable. Accordingly, such modification would have been an obvious extension as taught by Johnsen as modified by Shah, and therefore an obvious expedient.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Murrah et al. [5,984,182], Gupta et al. [5,361,871], Shepley [6,024,281], Schkolnick et al. [5,729,697], Halling et al. [5,418,354], Ogasawara [6,123,259], Jelen et al. [6,129,276], Kawatani [JP 04255037].

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Yven whose telephone number is (703) 308-6548. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee, can be reached on (703 305-3503). The fax phone number for this Group is (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

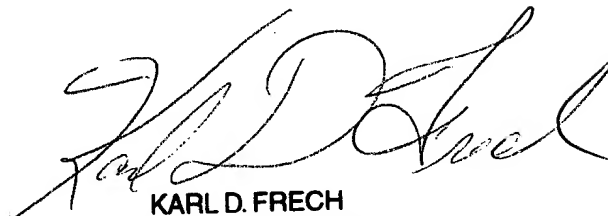
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

J. Yven



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Dec. 28, 2000



KARL D. FRECH
PRIMARY EXAMINER